

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7563

JAMES EDMOND WATTS,

Plaintiff - Appellant,

versus

LARRY HUFFMAN, Regional Director; EDDIE PEARSON, Warden of Buckingham; HENRY PONTON, Assistant Warden of Buckingham; BARBARA WHEELER, Assistant Warden of Buckingham; LIEUTENANT TERRY, Buckingham Correctional Center; LINDA CREWS, Records Office Assistant Manager; R. WHITE, Adjustment Committee Chairman; MIKE SHUPE, Operations Officer; LIEUTENANT JENKINS, Buckingham Correctional Center; SERGEANT ZUMBRO, Buckingham Correctional Center; SERGEANT JONES, Buckingham Correctional Center; COUNSELOR HODGES, Buckingham Correctional Center,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-97-366-R)

Submitted: January 13, 1998

Decided: February 18, 1998

Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

James Edmond Watts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order granting his motion to amend and dismissing his 42 U.S.C. § 1983 (1994) complaint without prejudice. A dismissal without prejudice is not reviewable by the court unless the reasons stated for the dismissal clearly disclose that no amendment to the complaint could cure its defects. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). In the present case, the district court properly found that some of Appellant's claims were potentially cognizable, but he failed to allege sufficient facts to support them. The order, however, dismisses the action and advises the appellant of his right to appeal. We believe these provisions are inadvertent and vacate them. Because he has a right to amend his complaint, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED